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6 Attorneys for Specially Appearing Defendant
7 VIEJAS BAND OF KUMEYAAY INDIANS, a
federally recognized Indian tribe, erroneously sued
8 as "VIEJAS FIRE DEPARTMENT"

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JIM MAXWELL and KAY
MAXWELL, individually and as
guardians of TREVOR ALLEN
13 BRUCE and KELTEN TANNER
BRUCE; and JIM MAXWELL, as
14 executor of the ESTATE OF
KRISTEN MARIE MAXWELL-
15 BRUCE,

16 Plaintiffs,

17 v.

18 COUNTY OF SAN DIEGO; ALPINE
FIRE PROTECTION DISTRICT;
19 VIEJAS FIRE DEPARMTENT;
DEPUTY LOWELL BRYAN "SAM"
20 BRUCE; DOES 1-50,

21 Defendants.

CASE NO. 07 CV 2385 JAH WMC

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO
DISMISS FILED BY SPECIALLY
APPEARING DEFENDANT VIEJAS
BAND OF KUMEYAAY INDIANS**

CASE FILED: December 19, 2007
IC JUDGE: Hon. John A. Houston
DEPT: 11 (2nd Floor)
DATE: March 3, 2008
TIME: 2:30 p.m.

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23 Specially Appearing Defendant VIEJAS BAND OF KUMEYAAY
24 INDIANS (hereinafter the "Viejas Band" or the "Band"), a federally recognized
25 Indian tribe, erroneously sued as "VIEJAS FIRE DEPARTMENT" (hereinafter,
26 "Viejas Fire Department"), hereby requests that the Court take judicial notice of

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1 Exhibits A hereto, on the following grounds:

2 1. Exhibit A is a true and correct copy of the Federal Register listing of
3 federally recognized Indian tribes entitled "Indian Entities Recognized and Eligible
4 to Receive Services from the United States Bureau of Indian Affairs," Federal
5 Register, Vol. 67, No. 134, p. 46328, July 12, 2002. The Viejas Band is listed on
6 page 46328 as "Capitan Grande Band of Diegueno Mission Indians of California:
7 Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the
8 Viejas Reservation, California."

9 The Viejas Band's request for judicial notice of Exhibit A is made pursuant
10 to California Evidence Code section 451(b), which provides that, "Judicial notice
11 shall be taken of the following: . . . (b) Any matter made a subject of judicial
12 notice by . . . section 1507 of Title 44 of the United States Code." Section 1507 of
13 Title 44 of the United States Code provides that "[t]he contents of the Federal
14 Register shall be judicially noticed . . ." Thus, Exhibit A hereto is judicially
15 noticeable under Evidence Code section 451(b).

16 DATED: January 24, 2008

HIGGS, FLETCHER & MACK LLP


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18 By: 
19 PHILLIP C. SAMOURIS, ESQ.
20 MICHELLE L. GRANT, ESQ.
21 Attorneys for Specially Appearing
22 Defendant VIEJAS BAND OF
23 KUMEYAAAY INDIANS
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EXHIBIT "A"



Federal Register

Friday,
July 12, 2002

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Entities Recognized and Eligible
To Receive Services From the United
States Bureau of Indian Affairs; Notice

46328

Federal Register / Vol. 67, No. 134 / Friday, July 12, 2002 / Notices

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street, NW, Washington, D.C. 20240. Telephone number: (202) 208-2475.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska. The list is updated from the notice published on March 13, 2000 (65 FR 13298). Six tribal entities have been added to the list. Three of the six tribes became newly recognized since the last publication. The other three tribes were omitted from earlier *Federal Register* publications of the Tribal Entities List. The Shawnee Tribe and the Graton Rancheria, were recognized under Titles 7 and 14 of the Act of December 27, 2000, Pub. L. 106-568, 114 Stat. 2868. The Cowlitz Indian Tribe was acknowledged under 25 CFR part 83. The final determination for federal acknowledgment became effective on January 4, 2002. The Assistant Secretary—Indian Affairs reaffirmed the formal recognition of the King Salmon Tribe, the Shoonaq' Tribe of Kodiak, and the Lower Lake Rancheria, on December 29, 2000. The reaffirmation acknowledged that an administrative oversight had occurred and that three tribes had been omitted from the *Federal Register* list of entities recognized and eligible to receive services from the United States Bureau of Indian Affairs.

Several tribes have also made changes to their tribal name. Most of the name changes are minor in nature, except for the California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria). To aid in identifying tribal name

changes, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: July 1, 2002.

Neal A. McCaleb,
Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
 Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
 Alabama-Coushatta Tribes of Texas
 Alabama-Quassarte Tribal Town, Oklahoma
 Alturas Indian Rancheria, California
 Apache Tribe of Oklahoma
 Arapahoe Tribe of the Wind River Reservation, Wyoming
 Aroostook Band of Micmac Indians of Maine
 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
 Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
 Bay Mills Indian Community, Michigan (previously listed as the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan)
 Bear River Band of the Rohnerville Rancheria, California
 Berry Creek Rancheria of Maidu Indians of California
 Big Lagoon Rancheria, California
 Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
 Big Sandy Rancheria of Mono Indians of California
 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
 Blue Lake Rancheria, California
 Bridgeport Paiute Indian Colony of California
 Buena Vista Rancheria of Me-Wuk Indians of California
 Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
 Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
 Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
 Caddo Indian Tribe of Oklahoma
 Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
 Cahto Indian Tribe of the Laytonville Rancheria, California
 California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
 Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
 Capitan Grande Band of Diegueno Mission Indians of California:
 Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
 Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
 Catawba Indian Nation (aka Catawba Tribe of South Carolina)
 Cayuga Nation of New York
 Cedarville Rancheria, California
 Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
 Cherokee Nation, Oklahoma
 Cheyenne-Arapaho Tribes of Oklahoma
 Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
 Chickasaw Nation, Oklahoma
 Chicken Ranch Rancheria of Me-Wuk Indians of California
 Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
 Chitimacha Tribe of Louisiana
 Choctaw Nation of Oklahoma
 Citizen Potawatomi Nation, Oklahoma
 Cloverdale Rancheria of Pomo Indians of California
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
 Cold Springs Rancheria of Mono Indians of California
 Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California